

108TH CONGRESS
1ST SESSION

H. R. 289

To expand the boundaries of the Ottawa National Wildlife Refuge Complex
and the Detroit River International Wildlife Refuge.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Ms. KAPTUR (for herself and Mr. DINGELL) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To expand the boundaries of the Ottawa National Wildlife
Refuge Complex and the Detroit River International
Wildlife Refuge.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ottawa National Wild-
5 life Refuge Complex Expansion and Detroit River Inter-
6 national Wildlife Refuge Expansion Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) the western basin of Lake Erie, as part of
10 the Great Lakes ecosystem—

1 (A) is the largest freshwater ecosystem in
2 the world; and

3 (B) is vitally important to the economic
4 and environmental future of the United States;

5 (2) over the 30-year period preceding the date
6 of enactment of this Act, the citizens and govern-
7 mental institutions of the United States and Canada
8 have devoted increasing attention and resources to
9 the restoration of the water quality and fisheries of
10 the Great Lakes, including the western basin;

11 (3) that increased awareness has been accom-
12 panied by a gradual shift toward a holistic eco-
13 system approach that highlights a growing recogni-
14 tion that shoreline areas, commonly referred to as
15 nearshore terrestrial ecosystems, are an integral part
16 of the western basin and the Great Lakes ecosystem;

17 (4) the Great Lakes account for more than 90
18 percent of the surface freshwater in the United
19 States;

20 (5) the western basin receives approximately 90
21 percent of its flow from the Detroit River and only
22 approximately 10 percent from tributaries;

23 (6) the western basin is an important ecosystem
24 that includes a number of distinct islands, channels,

1 rivers, and shoals that support dense populations of
2 fish, wildlife, and aquatic plants;

3 (7) coastal wetland of Lake Erie supports the
4 largest diversity of plant and wildlife species in the
5 Great Lakes;

6 (8) because Lake Erie is located at a more
7 southern latitude than other Great Lakes, the mod-
8 erate climate of Lake Erie is appropriate for many
9 species that are not found in or along the northern
10 Great Lakes;

11 (9) more than 300 species of plants, including
12 37 significant species, have been identified in the
13 aquatic and wetland habitats of the western basin;

14 (10) the shallow western basin of Lake Erie,
15 extending from the Lower Detroit River to Sandusky
16 Bay, is home to the greatest concentration of
17 marshes in Lake Erie, including—

18 (A) Mouille, Metzger, and Magee marshes;

19 (B) the Maumee Bay wetland complex;

20 (C) the wetland complexes flanking Locust
21 Point; and

22 (D) the wetland in Sandusky Bay;

23 (11) the larger islands of the United States in
24 western Lake Erie have wetland in small
25 embayments;

1 (12) the wetland in the western basin comprises
2 some of the most important waterfowl habitat in the
3 Great Lakes;

4 (13) waterfowl, wading birds, shore birds, gulls
5 and terns, raptors, and perching birds use the wet-
6 land in the western basin for migration, nesting, and
7 feeding;

8 (14) hundreds of thousands of diving ducks
9 stop to rest in the Lake Erie area during autumn
10 migration from Canada to points east and south;

11 (15) the wetland of the western basin provides
12 a major stopover for ducks, such as migrating
13 bufflehead, common goldeneye, common mergansers,
14 and ruddy duck;

15 (16) the international importance of Lake Erie
16 is indicated in the United States by congressional
17 designation of the Ottawa and Cedar Point National
18 Wildlife Refuges;

19 (17)(A) Lake Erie has an international reputa-
20 tion for walleye, perch, and bass fishing, recreational
21 boating, birding, photography, and duck hunting;
22 and

23 (B) on an economic basis, tourism in the Lake
24 Erie area accounts for an estimated \$1,500,000,000
25 in retail sales and more than 50,000 jobs;

1 (18)(A) many of the 417,000 boats that are
2 registered in the State of Ohio are used in the west-
3 ern basin, in part to fish for the estimated
4 10,000,000 walleye that migrate from the lake to
5 spawn; and

6 (B) that internationally renowned walleye fish-
7 ery drives much of the \$2,000,000,000 sport fishing
8 industry in the State of Ohio;

9 (19) coastal wetland in the western basin has
10 been subjected to intense pressure for 150 years;

11 (20) prior to 1850, the western basin was part
12 of an extensive coastal marsh and swamp system
13 consisting of approximately 122,000 hectares that
14 comprised a portion of the Great Black Swamp;

15 (21) by 1951, only 12,407 wetland hectares re-
16 mained in the western basin;

17 (22) 50 percent of that acreage was destroyed
18 between 1972 and 1987, leaving only approximately
19 5,000 hectares in existence today;

20 (23) along the Michigan shoreline, coastal wet-
21 land was reduced by 62 percent between 1916 and
22 the early 1970s;

23 (24) the development of the city of Monroe,
24 Michigan, has had a particularly significant impact

1 on the coastal wetland at the mouth of the Raisin
2 River;

3 (25) only approximately 100 hectares remain
4 physically unaltered today in an area in which, 70
5 years ago, marshes were 10 times more extensive;

6 (26) in addition to the actual loss of coastal
7 wetland acreage along the shores of Lake Erie, the
8 quality of much remaining dike wetland has been de-
9 graded by numerous stressors, especially excessive
10 loadings of sediments and nutrients, contaminants,
11 shoreline modification, exotic species, and the diking
12 of wetland; and

13 (27) protective peninsula beach systems, such
14 as the former Bay Point and Woodtick, at the bor-
15 der of Ohio and Michigan near the mouth of the Ot-
16 tawa River and Maumee Bay, have been eroded over
17 the years, exacerbating erosion along the shorelines
18 and negatively affecting breeding and spawning
19 grounds.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) INTERNATIONAL REFUGE.—The term
23 “International Refuge” means the Detroit River
24 International Wildlife Refuge established by section
25 5(a) of the Detroit River International Wildlife Ref-

1 uge Establishment Act (16 U.S.C. 668dd note; 115
2 Stat. 894).

3 (2) REFUGE COMPLEX.—The term “Refuge
4 Complex” means the Ottawa National Wildlife Ref-
5 uge Complex and the lands and waters in the com-
6 plex, as described in the document entitled “The
7 Comprehensive Conservation Plan for the Ottawa
8 National Wildlife Refuge Complex” and dated Sep-
9 tember 22, 2000, including—

10 (A) the Ottawa National Wildlife Refuge,
11 established by the Secretary in accordance with
12 the Migratory Bird Conservation Act (16
13 U.S.C. 715 et seq.);

14 (B) the West Sister Island National Wild-
15 life Refuge established by Executive Order No.
16 7937, dated August 2, 1937; and

17 (C) the Cedar Point National Wildlife Ref-
18 uge established by the Secretary in accordance
19 with the Migratory Bird Conservation Act (16
20 U.S.C. 715 et seq.).

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (4) WESTERN BASIN.—

24 (A) IN GENERAL.—The term “western
25 basin” means the western basin of Lake Erie,

1 consisting of the land and water in the water-
2 sheds of Lake Erie extending from the water-
3 shed of the Lower Detroit River in the State of
4 Michigan to and including Sandusky Bay and
5 the watershed of Sandusky Bay in the State of
6 Ohio.

7 (B) INCLUSION.—The term ‘western basin’
8 includes the Bass Island archipelago in the
9 State of Ohio.

10 **SEC. 4. EXPANSION OF BOUNDARIES.**

11 (a) REFUGE COMPLEX BOUNDARIES.—

12 (1) EXPANSION.—The boundaries of the Refuge
13 Complex are expanded to include land and water in
14 the State of Ohio from the eastern boundary of
15 Maumee Bay State Park to the eastern boundary of
16 the Darby Unit (including the Bass Island archi-
17 pelago), as depicted on the map entitled “Ottawa
18 National Wildlife Refuge Complex Expansion and
19 Detroit River International Wildlife Refuge Expan-
20 sion Act” and dated September 6, 2002.

21 (2) AVAILABILITY OF MAP.—The map referred
22 to in paragraph (1) shall be available for inspection
23 in appropriate offices of the United States Fish and
24 Wildlife Service.

1 (b) BOUNDARY REVISIONS.—The Secretary may
2 make such revisions of the boundaries of the Refuge Com-
3 plex as the Secretary determines to be appropriate—

4 (1) to facilitate the acquisition of property with-
5 in the Refuge Complex; or

6 (2) to carry out this Act.

7 (c) ACQUISITION.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary may acquire by donation, purchase
10 with donated or appropriated funds, or exchange the
11 land and water, and interests in land and water (in-
12 cluding conservation easements), within the bound-
13 aries of the Refuge Complex.

14 (2) CONSENT.—No land, water, or interest in
15 land or water described in paragraph (1) may be ac-
16 quired by the Secretary without the consent of the
17 owner of the land, water, or interest.

18 (d) TRANSFERS FROM OTHER AGENCIES.—Adminis-
19 trative jurisdiction over any Federal property that is lo-
20 cated within the boundaries of the Refuge Complex and
21 under the administrative jurisdiction of an agency of the
22 United States other than the Department of the Interior
23 may, with the concurrence of the head of the admin-
24 istering agency, be transferred without consideration to
25 the Secretary for the purpose of this Act.

1 (e) STUDY OF ASSOCIATED AREA.—

2 (1) IN GENERAL.—The Secretary, acting
3 through the Director of the United States Fish and
4 Wildlife Service, shall conduct a study of fish and
5 wildlife habitat and aquatic and terrestrial commu-
6 nities in and around the 2 dredge spoil disposal sites
7 that are—

8 (A) referred to by the Toledo-Lucas Coun-
9 ty Port Authority as “Port Authority Facility
10 Number Three” and “Grassy Island”, respec-
11 tively; and

12 (B) located within Toledo Harbor near the
13 mouth of the Maumee River.

14 (2) REPORT.—Not later than 18 months after
15 the date of enactment of the Act, the Secretary
16 shall—

17 (A) complete the study under paragraph
18 (1); and

19 (B) submit to Congress a report on the re-
20 sults of the study.

21 **SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUND-**
22 **ARIES.**

23 The southern boundary of the International Refuge
24 is extended south to include additional land and water in
25 the State of Michigan located east of Interstate Route 75,

1 extending from the southern boundary of Sterling State
2 Park to the Ohio State boundary, as depicted on the map
3 referred to in section 4(a)(1).

4 **SEC. 6. ADMINISTRATION.**

5 (a) REFUGE COMPLEX.—

6 (1) IN GENERAL.—The Secretary shall admin-
7 ister all federally owned land, water, and interests in
8 land and water that are located within the bound-
9 aries of the Refuge Complex in accordance with—

10 (A) the National Wildlife Refuge System
11 Administration Act of 1966 (16 U.S.C. 668dd
12 et seq.); and

13 (B) this Act.

14 (2) ADDITIONAL AUTHORITY.—The Secretary
15 may use such additional statutory authority avail-
16 able to the Secretary for the conservation of fish and
17 wildlife, and the provision of opportunities for fish-
18 and wildlife-dependent recreation, as the Secretary
19 determines to be appropriate to carry out this Act.

20 (b) ADDITIONAL PURPOSES.—In addition to the pur-
21 poses of the Refuge Complex under other laws, regula-
22 tions, executive orders, and comprehensive conservation
23 plans, the Refuge Complex shall be managed—

24 (1) to strengthen and complement existing re-
25 source management, conservation, and education

1 programs and activities at the Refuge Complex in a
2 manner consistent with the primary purposes of the
3 Refuge Complex—

4 (A) to provide major resting, feeding, and
5 wintering habitats for migratory birds and
6 other wildlife; and

7 (B) to enhance national resource conserva-
8 tion and management in the western basin;

9 (2) in partnership with nongovernmental and
10 private organizations and private individuals dedi-
11 cated to habitat enhancement, to conserve, enhance,
12 and restore the native aquatic and terrestrial com-
13 munity characteristics of the western basin (includ-
14 ing associated fish, wildlife, and plant species);

15 (3) to facilitate partnerships among the United
16 States Fish and Wildlife Service, Canadian national
17 and provincial authorities, State and local govern-
18 ments, local communities in the United States and
19 Canada, conservation organizations, and other non-
20 Federal entities to promote public awareness of the
21 resources of the western basin; and

22 (4) to advance the collective goals and priorities
23 that—

24 (A) were established in the report entitled
25 “Great Lakes Strategy 2002—A Plan for the

1 New Millennium”, developed by the United
2 States Policy Committee, comprised of Federal
3 agencies (including the United States Fish and
4 Wildlife Service, the National Oceanic and At-
5 mospheric Administration, the United States
6 Geological Survey, the Forest Service, and the
7 Great Lakes Fishery Commission) and State
8 governments and tribal governments in the
9 Great Lakes basin; and

10 (B) include the goals of cooperating to pro-
11 tect and restore the chemical, physical, and bio-
12 logical integrity of the Great Lakes basin eco-
13 system.

14 (c) PRIORITY USES.—In providing opportunities for
15 compatible fish- and wildlife-dependent recreation, the
16 Secretary, in accordance with paragraphs (3) and (4) of
17 section 4(a) of the National Wildlife Refuge System Ad-
18 ministration Act of 1966 (16 U.S.C. 668dd(a)), shall en-
19 sure, to the maximum extent practicable, that hunting,
20 trapping, fishing, wildlife observation and photography,
21 and environmental education and interpretation are the
22 priority public uses of the Refuge Complex.

23 (d) COOPERATIVE AGREEMENTS REGARDING NON-
24 FEDERAL LAND.—To promote public awareness of the re-
25 sources of the western basin and encourage public partici-

1 pation in the conservation of those resources, the Sec-
 2 retary may enter into cooperative agreements with the
 3 State of Ohio or Michigan, any political subdivision of the
 4 State, or any person for the management, in a manner
 5 consistent with this Act, of land that—

6 (1) is owned by the State, political subdivision,
 7 or person; and

8 (2) is located within the boundaries of the Ref-
 9 uge Complex.

10 (e) USE OF EXISTING GREENWAY AUTHORITY.—The
 11 Secretary shall encourage the State of Ohio to use author-
 12 ity under the recreational trails program under section
 13 206 of title 23, United States Code, to provide funding
 14 for acquisition and development of trails within the bound-
 15 aries of the Refuge Complex.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated such sums
 18 as are necessary—

19 (1) to acquire land and water within the Refuge
 20 Complex under section 4(c);

21 (2) to carry out the study under section 4(e);
 22 and

23 (3) to develop, operate, and maintain the Ref-
 24 uge Complex.

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